

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

ROBERTO DURAND,

Case No. 3:19-cv-00763-MMD-WGC

Petitioner,

ORDER

v.

DAVID DRUMMOND, *et al.*,

Respondents.

11 On May 12, 2020, this Court entered an order and judgment dismissing Petitioner
12 Roberto Durand's habeas petition as untimely under 28 U.S.C. § 2244(d). (ECF Nos. 10,
13 11.) A year and a half later, Durand filed a notice of appeal. (ECF No. 14.) The Ninth
14 Circuit Court of Appeals dismissed the appeal for lack of jurisdiction because it "was not
15 filed or delivered to prison officials within 30 days after the district court's judgment
16 entered on May 12, 2020." (ECF No. 17 (citing U.S.C. § 2107(a)); *United States v. Sadler*,
17 480 F.3d 932, 937 (9th Cir. 2007).)

18 Notwithstanding the entry of judgment against him and the dismissal of his appeal,
19 Durand continues to file documents in this proceeding with the apparent misapprehension
20 that either this Court or the Court of Appeals is still entertaining briefs from the parties.
21 (ECF Nos. 20, 21, 22.) That is not the case. In addition, the time permitted to file a motion
22 to set aside the judgment has elapsed unless Durand can demonstrate extraordinary
23 circumstances warranting relief. See Fed R. Civ. P. 60; see also *Gonzalez v. Crosby*, 545
24 U.S. 524, 535 (2005) (“[O]ur cases have required a movant seeking relief under Rule
25 60(b)(6) to show “extraordinary circumstances” justifying the reopening of a final
26 judgment.”).

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1 It is therefore ordered that Durand's pending motions (ECF Nos. 20, 21, 22) are
2 denied as moot.

DATED THIS 11th Day of March 2022.



MIRANDA M. DU
CHIEF UNITED STATES DISTRICT JUDGE